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October 31, 2013

VIA ECF

Magistrate Judge James Orenstein
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Room 1227 South
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-MD-1720-(JG)(JO)

Dear Magistrate Judge Orenstein:

Class Plaintiffs submit this letter status report in response to the Court's October 25, 2013 Order. In addition to the Attorneys General for Ohio and California, Class Plaintiffs and other objectors have suggested corrections to the September 12, 2013 fairness hearing transcript. The parties have conferred and there are no objections to the submission of the corrections. Each party with corrections is submitting them directly to the Court Reporter. However, for the Court's convenience, attached is a copy of each party's corrections.

Respectfully Submitted,

/s/ K. Craig Wildfang

K. Craig Wildfang

Thomas J. Undlin

Robins, Kaplan, Miller & Ciresi L.L.P.

/s/ H. Laddie Montague, Jr.

H. Laddie Montague, Jr.

Merrill G. Davidoff

Berger & Montague, P.C.

/s/ Bonny E. Sweeney

Patrick J. Coughlin

Bonny E. Sweeney

Robbins Geller Rudman & Dowd LLP

/sll

Attachments

cc: All Counsel of Record (via ECF)

**CLASS COUNSEL'S CORRECTIONS TO
SEPTEMBER 12, 2013 TRANSCRIPT FOR:**

***IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHARGE DISCOUNT ANTITRUST LITIGATION***
Case No.: 1:05-md-01720-JG-JO

PAGE #	LINE #	CORRECTION
9	7	Change <u>a</u> to <u>on the</u>
9	14	After the comma, insert <u>and</u>
9	17	Change <u>a</u> to <u>the</u>
9	24	Change <u>the vestiture</u> to <u>divestiture</u>
10	1	Change <u>the vestiture</u> to <u>divestiture</u>
10	5	Change <u>hold true</u> to <u>accrue</u>
10	7	Change <u>the vestiture</u> to <u>divestiture</u>
10	18	Change <u>Affronti</u> to <u>Infante</u>
11	6	Change <u>their reaction</u> to <u>the class</u> to <u>the reaction</u> of the class
11	15	[Per Mr. Wildfang: there is at least a phrase, and perhaps a sentence or two, that is missing after the word <u>injunction</u> and before the word <u>they</u> . I think the missing text is likely something like <u>release claims for possible future harm, but that is not a basis for challenging the (b)(2) class as unconstitutional</u> . Rather it is an argument that the settlement should not be approved because]
12	13	Change <u>bank</u> to <u>banks</u>
12	16	Change <u>a</u> to <u>and</u>
13	5	Change <u>and</u> to <u>in</u>
13	23	Change <u>a</u> to <u>at</u>
14	7	Change <u>renegotiate</u> to <u>negotiate</u>
16	16	Change <u>online</u> to <u>Illinois</u> Change <u>time</u> to <u>times</u>
17	16	Change <u>million</u> to <u>billion</u>

PAGE #	LINE #	CORRECTION
17	22	Change <u>rule</u> to <u>world</u>
17	23	Change <u>rule</u> to <u>world</u>
18	2	Change <u>a</u> to <u>of</u>
19	3	Change <u>points</u> to <u>point</u>
19	5	Change <u>considerable</u> to <u>conservative</u>
19	11	Change <u>the</u> to <u>to</u>
20	15	Change the , [period] to a , [comma] Change <u>who</u> to <u>where</u>
20	17	Change <u>leaver</u> to <u>lever</u>
22	8	Change <u>task</u> to <u>ask</u>
22	23	Change <u>is unbalanced anticompetitive</u> to <u>is, on balance, anticompetitive</u>
23	22	Change <u>binder</u> to <u>group buying</u>
25	16	Change <u>convenient</u> to <u>convenience</u>
27	13	Change , [comma] to <u>at</u>
28	21 <i>to</i>	[Insert the actual text of the Advisory Committee Notes.]
29	2	
29	4	Change <u>B2</u> to <u>(b)(2)</u>
29	8	Change <u>B2</u> to <u>(b)(2)</u>
29	14	Change both instances of <u>B3</u> to <u>(b)(3)</u>
29	18	Change <u>B3</u> to <u>(b)(3)</u>
29	19	Change <u>B2</u> to <u>(b)(2)</u> Change <u>C2B</u> to <u>(c)(2)(B)</u>
29	20	Change <u>B3</u> to <u>(b)(3)</u>
30	3	Change <u>B2</u> to <u>(b)(2)</u>
30	8	Change <u>B2</u> to <u>(b)(2)</u>
30	10	Change <u>B2</u> to <u>(b)(2)</u>
30	16	Change <u>B2</u> to <u>(b)(2)</u>
30	17	Change <u>B2</u> to <u>(b)(2)</u>
30	18	Change <u>to</u> to <u>for an</u>
31	9	Change <u>defendant</u> to <u>defendants</u>
32	14	Move the " [close quotation mark] from after the word intentionally to after the word predicate

PAGE #	LINE #	CORRECTION
32	20	Change <u>merit</u> to <u>material</u>
219	20	Add <u>is</u> after the word <u>morning</u>
219	21	Remove the word <u>what</u> before <u>the release</u>
219	23	Change <u>as</u> to <u>is</u>
220	1	Change <u>G</u> to <u>(g)</u> and <u>H</u> to <u>(h)</u>
220	5	Change <u>Orenstein</u> to <u>Gorenstein</u> Change <u>Layman</u> to <u>Lehman Brothers</u>
220	6	Add a “ [quotation] before <u>The</u>
220	7	Add a – [dash] after <u>obviously</u>
220	8	Change <u>talk illogically</u> to <u>tautologically</u> Add a – [dash] after <u>tautologically</u> Change <u>fact dependent</u> to <u>fact-dependent</u>
220	9	Move the sentence starting with <u>But as stated</u> up to start after the last sentence on line 8. [No new ¶]
220	13	Add a ” [quotation] after the word <u>action</u> .
220	19	Remove the <u>s</u> in the word <u>contours</u>
220	22	Add a “ [quotation)]before <u>For more than</u>
221	9	Change <u>in</u> to <u>and</u>
221	10	Add a ” [quotation] after the word <u>harm</u> .
221	18	Change the word <u>in</u> to <u>from</u> Add a , [comma] after <u>beginning</u>
221	19	Change <u>B3</u> to <u>(b)(3)</u> Change <u>B2</u> to <u>(b)(2)</u>
221	22	Change <u>B2</u> to <u>(b)(2)</u> Change <u>B3</u> to <u>(b)(3)</u>
221	23	Change <u>B2</u> to <u>(b)(2)</u>
221	24	Change <u>B3</u> to <u>(b)(3)</u>
222	4	Capitalize <u>Home</u>

PAGE #	LINE #	CORRECTION
222	5	Change <u>B2</u> to <u>(b)(2)</u> Remove the . [period] after notice and add the word <u>which</u> Un-capitalize the <u>E</u> in <u>explained</u> Remove the . [period] after settlement and add the word <u>and</u>
222	6	Un-capitalize the <u>A</u> in <u>attached</u> Change the word <u>Made</u> to <u>We made</u>
222	11	Move the sentence starting with <u>And given the opportunity</u> up to start after the last sentence on line 10. [No new ¶]
222	14	Change <u>B2</u> to <u>(b)(2)</u>
222	15	Change <u>on</u> to <u>in</u> Change <u>the</u> to <u>this</u>
222	22	Change <u>Maywald</u> to <u>Maywalt</u>
222	23	Change <u>scabbling on</u> to <u>squabbling or</u>
223	13	Change <u>conduct based</u> to <u>conduct-based</u>
223	15	Add a “ [quotation] before <u>substantially</u>
223	16	Add a ” [quotation] after <u>similar</u>
223	22	Change <u>nonmaterial</u> to <u>non-material</u> Change <u>that</u> to <u>in</u> Change <u>release</u> to <u>released</u>
224	3	Add a “ [quotation] before <u>these changes</u>
224	5	Add a ” [quotation] after <u>admissibility.</u>
224	6	Add a “ [quotation] before <u>substantially</u> Add a ” [quotation] after <u>similar</u>
224	8	Change <u>word snipping</u> to <u>smithing</u>
224	19	Delete the word <u>in</u>
224	20	Add a , [comma] after <u>competitors</u>
224	21	Change <u>competing</u> to <u>constraining</u>
225	7	Add a “ [quotation] before <u>The existing Visa</u>

PAGE #	LINE #	CORRECTION
225	9	Change <u>contact</u> to <u>contactless</u> Delete the word <u>list</u> Add a , [comma] after <u>Of course</u>
225	11	Change <u>merchant</u> to <u>accept</u> to <u>merchant that accepts</u> Remove the , [comma] after <u>brand</u>
225	13	Change <u>contact-less</u> to <u>contactless</u>
225	14	Change <u>that applied</u> to <u>would apply</u>
225	15	Change <u>contact-less</u> to <u>contactless</u> Delete <u>they can, following</u>
225	16	Add a " [quotation] after <u>install</u> .
225	20	Change <u>facts or</u> to <u>factual</u>
225	22	Change <u>B2</u> to <u>(b)(2)</u>
225	25	Change <u>they</u> to <u>there</u>
225	25 to 1	Change <u>opt outs</u> to <u>opt-outs</u>
226	4	Add a " [quotation] before <u>We therefore</u>
226	11	Add a " [quotation] after <u>action</u> .
230	18	Change <u>statutes</u> to <u>factors</u>
231	14	Change <u>for</u> to <u>before</u>
232	2	Change <u>in</u> to <u>and</u>
232	18	Change both instances of <u>in opposite</u> to <u>inapposite</u>
233	1	Change <u>extended</u> to <u>expended</u>
233	3	Change <u>loadstar</u> to <u>lodestar</u>
233	8	Change <u>loadstar</u> to <u>lodestar</u>
233	13	Change <u>firm's</u> to <u>firms</u>
233	16	Change <u>loadstar</u> to <u>lodestar</u>
233	19	Change <u>loadstar</u> to <u>lodestar</u>
233	21	Change <u>loadstar</u> to <u>lodestar</u>
234	4	Change <u>loadstar</u> to <u>lodestar</u>
234	23	Change <u>revised request of multiplier</u> to <u>revised requested multiplier</u>

INDIVIDUAL PLAINTIFFS' COUNSEL'S CORRECTIONS TO SEPTEMBER 12, 2013 TRANSCRIPT**IN RE PAYMENT CARD INTERCHANGE FEE AND
MERCHANT DISCOUNT ANTITRUST LITIGATION**

Case No.: 1:05-md-01720-JG-JO

PAGE	LINE	CORRECTION
44	21	"its" should be "it's"
45	2	"in the United States believes that" should be "in the United States believes, that"
45	5	"merchants" should be "merchant"
45	7	"have" should be "of"
45	11	"solve, that" should be "solve" and strike "that"
45	12	"case" should be "court"
45	20	Remove "this"
45	21	Remove "is"
46	8	Insert "before another Judge" after "downstairs"
46	24	"wont" should be "won't"
47	5	remove "," after "ago"
47	13	"Its" should read "It's" in both places on the line.
47	15	Remove "to"
47	23	"its" should be "it's"
48	9	"lll" should be "I'll"
49	4	"its" should be "it's"
212	18	"MasterCards" should be "MasterCard's"
212	18	"rights" should be "rates"
213	13	Insert "New York state statute" after "This"
213	18	"was" should be "were"
215	2	"ballot" should be "battle"

**DEFENDANTS' CORRECTIONS TO SEPTEMBER 12,
2013 TRANSCRIPT FOR:**

***IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHARGE DISCOUNT ANTITRUST LITIGATION***

PAGE #	LINE #	CORRECTION
33	12	Change "litigated" to "litigating"
34	18	Change "defendants'" to "defendant's"
39	25	Change "you brat" to "brought"
40	24	Change "Sykes" to "Sykes'"
43	3	Change "at" to "to"
43	13	Change "wont" to "won't"
43	16	Change "Surcharge Rule it's" to "Surcharge Rule. It's"
43	17	Change "consumer" to "consumers"
43	20	Change "wont" to "won't"
200	11	Change "there's not. A" to "there's not a"
200	17	Change "Has not really – I don't think is really engaged" to "The objectors have not engaged"
200	24	Change "illegal that's the" to "illegal. That's the"
204	4	Change "cared" to "compared"
205	7	Change "be a total merchant" to "may be a merchant to that extent."
206	8	End quotation after "differently"
207	1	Change "plainfield" to "playing field"
207	8	Change "car" to "card"

AMERICAN EXPRESS OBJECTORS'
CORRECTIONS TO SEPTEMBER 12, 2013
TRANSCRIPT FOR:

***IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHARGE DISCOUNT ANTITRUST LITIGATION***

PAGE #	LINE #	CORRECTION
117	15	Change "Phillip" to "Philip"
117	23	Change "An" to "This"
118	1	Change "look like" to "what looks like"
118	9	Change "of adequacy of representation" to "adequacy of"
118	13-14	Move apostrophe to before "plaintiff's"
118	20	Change "gives no debate" to "given the debate"
119	11	Change ":" to "?"
119	21	Change "as compared" to "has compared"
120	8	Change "you can" to "In re"
120	9	Change "House" to "Houses"
121	1	Change "oppose this is" to "opposes in this"
121	14	Change "We" to "They"
121	21	Change "competitiveness" to "competitors"
121	19	Change "order. In" to "order in"
122	10	Change "claims having" to "claims"
122	11	Change "its" to "it's"
122	15	Change "release they" to "release. They"
122	20	Change "an either an" to "either an"

**Consumer Unions of United States, Inc. d/b/a/ Consumer
Report –Corrections to September 12, 2013
TRANSCRIPT FOR:**

***IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANCE DISCOUNT ANTITRUST LITIGATION***

Page	Line	Correction
108	10	Change “interest” to “interests”
108	13	Capitalize “reports” Insert “that” before the word “even”
108	16	Change period to “--“ Change “New” to “new” Change “of retailers” to “that retailers”
108	20	Capitalize “consumer reports”
108	21	Add “--“ after “class action members”
109	14	Add “,” after “from” Add “will” after “but”
110	1	Change period to comma Change “Not” to “not”
110	4	Add “is” after “forward” Change period to comma Change “Perhaps” to “perhaps” Change “blanketing” to “blanket”
110	7	Capitalize “reports”
110	19	Change “force all” to “forestall”
110	20	Change “legislator” to “legislative” Capitalize “consumer reports”
110	21	Replace period with dash after “favor” Delete “the” before “forms” Change “forms” to “reforms”
111	9	Change “in” to “it’s” Add “out there” after “wild west” Change “what” to “why”
111	10	Insert “of” before “new”
112	9	Change “the” before “result” to “that”

**OBJECTING PLAINTIFFS' CORRECTIONS TO
SEPTEMBER 12, 2013 TRANSCRIPT FOR:
*IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANGE DISCOUNT ANTITRUST LITIGATION***

Case No.: 1:05-md-01720-JG-JO

PAGE #	LINE #	CORRECTION
50	12	Change "necessarily" to "only"
51	22	Change "vulcanized" to "balkanized"
53	11	Change "that may try to" to "that may try group purchasing"
53	12	Change "class" to "practice"
55	6-7	Change "potential life" to "potentially"
56	7	Change "depravation" to "deprivation"

OBJECTING/AMICI STATES corrections to the September 12, 2013 fairness hearing transcript for:
 In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
 Case 1:05-md-01720-JG-JO

<u>Page#</u>	<u>Line #</u>	<u>Correction</u>
153	14	Add a "," after "fines"
153	15	Delete the words "in" and "where"
153	15	Change the word "these" to "These"
153	18	Add the words "by states" after "no claims filed"
153	20-21	Change to: Before, in other cases, states worked with the plaintiffs and the Department of Justice.
154	1	Add the words "to release" after "would allow them"
154	3	Change "in" to "under" and "three" to "III"
154	5	Change "solvent" to "sovereign"
154	6	Delete the "in" after the word "putting"
154	12	Change "and" to "as well as"
154	14	Change the sentence to "They have rejected our attempt to resolve"
154	15	Change "to" to "by"
154	19	Change "more" to "most"
154	20	Add the word "to" after the word "just"
154	22	Add the word "then" after "release,"
155	1	Add the words "to enforce" after "entity"
155	1	Delete the words "I've indicate"
155	7	Add the word "are" after "that"
155	7	Change "act" to "acting"
155	7	Add the word "their" after "in"
155	14	Add the word "class" after "B3"
155	18	Change "City" to "State"
155	21	Change "what" to "the"
155	22	Add a comma and the words ", that were" after "states"
155	22	Change "raise" to "raised"
155	22	Change the "," after "brief" to a "."
155	22	Delete the word "and"
155	22	Capitalize the "w" in "we"
156	10	Change "trying to" to "talking"
156	11	Add the words "and with the defendants" after "ourselves"
156	12	Add the words "counsel and" after "defense"
156	13	Change "The" to "the"
156	13	Change the word "you're" to "you are"
156	24	Change "reflects" to "prevents"
157	14	Change "16.70" to "16760"
157	18	Delete the word "actually"
157	22	Add the words "This release will" before "tie"
157	22	Change the word "Tie" to "tie"
157	25	Add the words "we ask for the court to wait for the supreme court to issue its

		opinion in a" after "recommendation,"
157	25	Delete the words "there is a court"
158	1	Delete the words "being held"
158	3	Add a comma and the words ", including California and Ohio"
158	3	Add the word "the" after "amicus"
158	6	Delete the words "the claims are"
158	6	Add the word "is" before "the sole"
158	7	Change "?" to ","
158	7	Change the word "The" to "the"
158	7	Add a "," before "law claims"
158	7	Delete "a."
158	7	Change "And" to "and"
158	9	Change "." to "?"
158	21	Change "protecting" to "protect"
159	1	Add the words "from the release" after "ability"
159	5	Add the word "private" before "parties"
159	5	Add the word "claims" before the word "into"
159	6	Add the words "Basically it says they can include in a release a way to avoid" before "any kind of law"
159	6	Change "Any" to "any"
159	6	Delete the word "cite"
159	6	Delete the word "they"
159	8	Change "could" to "this would"

**TARGET OBJECTORS' COUNSEL'S CORRECTIONS TO
SEPTEMBER 12, 2013 TRANSCRIPT FOR:**

**IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST LITIGATION**
Case No.: 1:05-md-01720-JG-JO

PAGE #	LINE #	CORRECTION
83	17	Insert "the" between "represent" and "Target."
85	8	Should indicate that Mr. Canter is speaking.
85	19	Strike "Mr. Canter:"
87	17	"gauged" should be "gouged."
87	25	"in a conversation" should be "in the conversation."
88	12	"than" should be "in."
89	5	"court" should be capitalized.
90	15	"court" should be capitalized.
95	2	"contact list" should be "contactless."

**THE HOME DEPOT'S CORRECTIONS TO
SEPTEMBER 12, 2013 TRANSCRIPT FOR:**

***IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST LITIGATION***
Case No. 1:05-md-01720-JG-JO

PAGE #	LINE #	CORRECTION
68	8	Change "cause" to "clause"
68	9	Change "the" to "in the"
68	10	Change "and the" to "the"
70	23	Change "that" to "at"
71	24	Change "forth right" to "forthright"
72	7	Change "Duke" to "Dukes"
73	22	Delete "to"
73	25	Change "in" to "and"